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## FACSIMILE TRANSMISSION

DATE: November 23, 2005

TO: EXAMINER MELODY BURCH

FACSIMILE NO.: 571-273-8300

FROM: John G. Posa

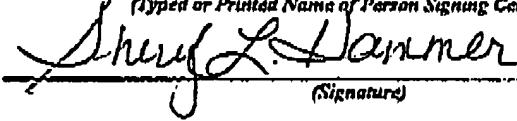
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RE: SN 10/073,399

MESSAGE:

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<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>				Docket No. EIR-03202/03
Applicant(s): Rivin				
Application No. 10/073,399	Filing Date Feb. 11, 2002	Examiner D. Butler	Group Art Unit 3683	
Invention: NONLINEAR AND ADJUSTABLE BUSHINGS				
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<p>I hereby certify that this <u>Response to Office Action</u> (Identify type of correspondence)</p> <p>Is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571/273-8300</u>)</p> <p>on <u>Nov. 23, 2005</u> (Date)</p>				
<u>Shery'l L. Hammer</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)				
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rivin

Serial No.: 10/073,399

Group No.: 3683

Filed: February 11, 2002

Examiner: M. Burch

For: NONLINEAR AND ADJUSTABLE BUSHINGS

RESPONSE TO OFFICE ACTION

Mail Stop AMENDMENT  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed August 25, 2005, the Examiner's attention is directed to the following remarks.

Applicant continues to traverse the restriction requirement. Figure 12 should be included in the examination process at this time. Just because it was listed by the Examiner does not make it proper.

Claims 15, 16, 19, 22 and 23 stand rejected under 35 U.S.C. §102(b) over Neidhart ('060). Anticipation may be established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. RCA Corp. v. Applied Digital Data Systems, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). Moreover, anticipation requires the presence of all elements of a claimed invention as arranged in the claim, such that a disclosure "that 'almost' meets that standard does not 'anticipate'." Connell v. Sears, Roebuck Co., 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983). In this case, the inner sleeves 1 and 2 of Neidhart are not cylindrical but rather, they are conical. "The buffer diagrammatically shown in Figures 1 and 2 comprises two conic elements 1 and 2 ...". Since cones are not cylinders, anticipation is precluded for this reason alone.

Claim 16 includes the limitation of the elements being attached to one of the sleeves. Although claim 16 stands rejected under 35 U.S.C. §102(b) over Neidhart, the Examiner makes no comment regarding this rejection, because such a feature is not disclosed by the reference. At least the